IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 18TH JANUARY 2007 / 28TH POUSHA 1928

WP(C).No. 24673 of 2004(K)

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PETITIONER:

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A.K.GANGADHARAN, AGED 52 YEARS,
S/O.RAMAN, KRISHNA VIHAR COLONY,
HOUSE NO-43, PANAMPILLY NAGAR, COCHIN-36.

BY ADV. SRI.K.VINOD CHANDRAN

RESPONDENTS:

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1. CORPORATION OF COCHIN,
COCHIN-11, REPRESENTED BY ITS
SECRETARY.

2. REVENUE OFFICER,
CORPORATION OF COCHIN,
COCHIN-11.

BY ADV. SRI.N.M.MOHAMMED AYUB, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE, J.**

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W.P.(C) No.24673 OF 2004

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DATED THIS THE 18TH JANUARY, 2007

**J U D G M E N T**

Even though elaborate submissions were addressed before me by Mr.K.Vinod Chandran in support of the grounds raised in the Writ Petition and my attention was drawn to the judgment of this Court in O.P.23 of 1998 and Sri.N.M.Mohammed Ayub, learned Standing Counsel for the Corporation was very emphatic in his resistance to the submissions of Sri.Vinod Chandran, I do not propose to decide the issue on merits. It is seen that on 14.6.2006, the petitioner has submitted a representation before the Corporation in which he has agreed to pay enhancement every year at the rate of 10% during the period from 4.8.1997 till 31.3.2006 and thereafter (i.e., after 31.3.2006) to pay enhanced rent at the rate of 5% every year. I am of the view that the above request ought to be considered favourably by the Corporation.

2. Accordingly, the Writ Petition will stand disposed of directing the Corporation to issue revised demands of property tax to the petitioner after refixing the rent payable by the petitioner for the premises in question for the period from 4.8.1997 till 31.3.2006 enhancing the contract rent every year at the rate of 10% per annum

and thereafter (after 31.3.2006 till 31.3.2007) at 5% above the rent which was payable on 31.3.2006. The writ petitioner will be bound to pay the above amount. But since it is brought to my notice that certain payments have been made by the petitioner at enhanced rates during the pendency of the Writ Petition, the Corporation will make necessary adjustments of the excess, if any, paid against the demands to be served. It is however made clear that this judgment will not stand in the way of the Corporation making a fresh demand for further revision to the petitioner for the period subsequent to 31.3.2007.

The Writ Petition will stand disposed of accordingly. No costs.

**(PIUS C. KURIAKOSE, JUDGE)**

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